

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUL 22 2008

WAYNE BERRY, a Hawaii citizen,

Plaintiff - Appellant,

v.

MARK DILLON; TERESA NOA; BRIAN  
CHRISTENSEN; FLEMING COMPANIES,  
INC., an Oklahoma Corporation; C & S  
LOGISTICS OF HAWAII, LLC, a Delaware  
LLC; C & S WHOLESALE GROCERS, INC. a  
Vermont Corporation; C & S ACQUISITIONS,  
LLC; RICHARD COHEN, a New Hampshire  
citizen; ES3 LLC, a Delaware Limited Liability  
Company; MELVIN PONCE, Hawaii citizen;  
SONIA PURDY, Hawaii citizen; JUSTIN  
FUKUMOTO, Hawaii citizen AFREDDA  
WAIOLAMA, Hawaii citizen; JACQULINE  
RIO, Hawaii citizen; GUIDANCE  
SOFTWARE, LLC, a California LLC;  
MICHAEL GURZI, a California citizen,

Defendants - Appellees.

MOLLY C. DWYER, CLERK OF COURT  
U.S. COURT OF APPEALS

No. 06-16199

D.C. No. CV-03-00385-SOM ~~DAE-LEK~~

District of Hawaii, Honolulu

MANDATE

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUL 24 2008  
at 11 o'clock and 4 min. M.  
SUE BEITIA, CLERK

WAYNE BERRY, a Hawaii citizen,

Plaintiff - Appellant,

v.

MARK DILLON; TERESA NOA; BRIAN  
CHRISTENSEN; FLEMING COMPANIES,  
INC., an Oklahoma Corporation; C & S  
LOGISTICS OF HAWAII, LLC, a Delaware  
LLC; C & S WHOLESALE GROCERS, INC. a  
Vermont Corporation; C & S ACQUISITIONS,  
LLC; RICHARD COHEN, a New Hampshire  
citizen; ES3 LLC, a Delaware Limited Liability  
Company; MELVIN PONCE, Hawaii citizen;  
SONIA PURDY, Hawaii citizen; JUSTIN  
FUKUMOTO, Hawaii citizen AFREDDA  
WAIOLAMA, Hawaii citizen; JACQULINE  
RIO, Hawaii citizen; GUIDANCE

No. 07-15447

D.C. No. CV-03-00385-SOM ~~DAE-LEK~~

District of Hawaii, Honolulu

MANDATE

SOFTWARE, LLC, a California LLC;  
MICHAEL GURZI, a California citizen,

Defendants - Appellees.

WAYNE BERRY, a Hawaii citizen,

Plaintiff - Appellee,

v.

MARK DILLON; TERESA NOA; BRIAN  
CHRISTENSEN,

Defendants - Appellants,

MELVIN PONCE, Hawaii citizen; SONIA  
PURDY, Hawaii citizen JUSTIN  
FUKUMOTO, Hawaii citizen; AFREDDA  
WAIOLAMA, Hawaii citizen; JACQUINE  
RIO, Hawaii citizen,

Defendants - Appellants,

and

FLEMING COMPANIES, INC., an Oklahoma  
Corporation; C & S LOGISTICS OF HAWAII,  
LLC, a Delaware LLC; C & S WHOLESALE  
GROCERS, INC., a Vermont Corporation; C &  
S ACQUISITIONS LLC; RICHARD COHEN,  
a New Hampshire citizen; ES3 LLC, a  
Delaware Limited Liability Company,

Defendants,

GUIDANCE SOFTWARE, LLC, a California  
LLC; MICHAEL GURZI, a California citizen,

Defendants.

No. 07-15587

D.C. No. CV-03-00385-SOM

District of Hawaii, Honolulu

**MANDATE**

WAYNE BERRY, a Hawaii citizen,

Plaintiff - Appellee,

No. 07-15588

D.C. No. CV03-00385-SOM

District of Hawaii, Honolulu

v.

MARK DILLON; TERESA NOA; BRIAN  
CHRISTENSEN; FLEMING COMPANIES,  
INC., an Oklahoma Corporation; C & S  
LOGISTICS OF HAWAII, LLC, a Delaware  
LLC; C & S WHOLESALE GROCERS, INC. a  
Vermont Corporation; C & S ACQUISITIONS,  
LLC; RICHARD COHEN, a New Hampshire  
citizen; ES3 LLC, a Delaware Limited Liability  
Company; MELVIN PONCE, Hawaii citizen,

Defendants,

SONIA PURDY, Hawaii citizen; JUSTIN  
FUKUMOTO, Hawaii citizen; AFREDDA  
WAIOLAMA, Hawaii citizen; JACQUILINE  
RIO Hawaii citizen; GUIDANCE  
SOFTWARE, LLC, a California LLC  
MICHAEL GURZI, a California citizen,

Defendants,

and

POST-CONFIRMATION TRUST,

Defendant - Appellant.

**MANDATE**

The judgment of this Court, entered 6/27/08, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the  
Federal Rules of Appellate Procedure.

FOR THE COURT:

Molly C. Dwyer  
Clerk of Court



By: Lee-Ann Collins  
Deputy Clerk